

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILMINGTON TRUST, N.A.,

Plaintiff,

v.

VALERIY BUGAYCHUCK, et al.,

Defendants.

CASE NO. C15-1053RAJ

ORDER TO SHOW CAUSE

This matter comes before the court on review of Defendants' notice of removal from King County Superior Court. The state-court complaint states a claim for unlawful detainer arising solely under Washington law.

Defendants have nonetheless removed the case. They claim in their notice of removal that the court has subject matter jurisdiction via 28 U.S.C. § 1331 and 28 U.S.C. § 1332.

Federal courts are courts of limited jurisdiction. Putting aside less-frequently-invoked bases for federal jurisdiction that have no applicability here, a federal court has jurisdiction over only two types of civil cases: those "arising under the Constitution, laws, or treaties of the United States" (28 U.S.C. § 1331) and those arising among parties of diverse citizenship where the amount in controversy exceeds \$75,000 (28 U.S.C. § 1332).

1 Defendants' assertion that this case invokes the court's § 1331 federal question
2 jurisdiction finds no support in Plaintiff's complaint, which states no federal claim.

3 As to diversity jurisdiction, Defendants assert that they are domiciled in
4 Washington and Plaintiff is not. Defendants also assert, however, that the amount in
5 controversy exceeds \$75,000. That assertion appears to be incorrect. This is an unlawful
6 detainer action. Plaintiff's complaint seeks only a writ of restitution awarding it
7 possession of the property that Defendants currently occupy, along with attorney fees and
8 costs. There is no indication that Defendants could demand relief that even approaches
9 \$75,000.

10 If there is no basis for this court to exercise subject matter jurisdiction, Defendants
11 have no basis to invoke the removal statute, 28 U.S.C. § 1441.

12 For these reasons, the court orders Defendants to show cause why it should not
13 remand this action to King County Superior Court. Defendants shall respond to this
14 order, in a written submission filed with the court, no later than July 21, 2015. If
15 Defendants do not respond, the court will remand this case without further notice.

16 DATED this 7th day of July, 2015.

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19 The Honorable Richard A. Jones
20 United States District Court Judge
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